



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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June 16, 2016

Stephen Nelson
1220 Lions Avenue
Morgantown, WV 26505

**RE: V16-14 / Nelson / 1220 Lions Avenue
Tax Map 7, Parcel 30**

Dear Mr. Nelson:

This letter is to notify you of the decisions made by the Board of Zoning Appeals concerning the above referenced variance petition relating to the proposed development at 1220 Lions Avenue. The decisions are as follows:

Board of Zoning Appeals, June 15, 2016:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted a five (5) foot variance from the minimum side and rear yard setback standard for an accessory structure as requested without conditions.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approvals are set to expire in twelve (12) months unless it can be demonstrated that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that building permits must be issued prior to the commencement of work for which the variance approvals was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving the development's planning and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact
V16-14 / Nelson / 1220 Lions Avenue

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

- A) Access is not substantially impugned – existing driveway location remains the same.
- B) Drainage to and from property will not be negatively impacted. New construction will more effectively gather and direct snow and water thus lessening impact to adjacent properties.
- C) Visually new structure will not be an impairment to adjacent property sight lines nor impair views. New garage will be designed and built to match existing home thus improving neighborhood ambience (ref: Attached photos)

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

Existing garage sits on lot lines on the property's corner. New structure will be an expansion with improved retaining walls and structures.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

- A) Current arrangement of house and garage does not permit safe and effect storage of two modern cars. (i.e. typical SUV's)
- B) Parking on property requires "single file" vehicle arrangement which requires increased intrusion of vehicles onto Lions Avenue to "unstack" cars. This increases vehicle interaction with neighbors and public to remove cars from property.
- C) New structure allows for improved safer more practical parking/storage of vehicles within the property.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

This garage expansion doesn't impugn the property rights of neighborhood property primarily due to the neat "like kind" replacement of the garage structure. This improvement, on the same corner, is the only practical option for effective parking on this property.